



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/772,658

02/05/2004

Yigang Cai

31

5579

7590
Werner Ulrich
501 Forest Avenue
Unit 406
Glen Ellyn, IL 60137-4175

08/03/2009

EXAMINER

MILLER, BRANDON J

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

08/03/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/772,658	Applicant(s) CAI, YIGANG	
	Examiner BRANDON J. MILLER	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11, 13-20, 22 and 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11, 13-20, 22 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendments/Remarks

Disposition of Claims

- I. Claims 1-11, 13-20, and 22-23 are pending in the application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- II. Claims 1, 6-7, 9-10, 13, and 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCann (US 2003/0091170 A1) in view of Lu (US 2002/0207950 A1).

Regarding claim 1 McCann teaches a method of screening a Short Message Service (SMS) call (see paragraph [0012]). McCann teaches responsive to receipt of an SMS call in an originating SMS center for serving a calling party of said call, performing originating screening using data supplied by said calling party, for determining whether said calling party may attempt to complete a call to a called party of said called party (see paragraph [0012]). McCann teaches responsive to determining in the originating SMS center that said calling party may attempt to complete said call, performing terminating screening in a SMS center for serving said called party of said call, using data supplied by said called party, for determining whether said called party of said call can accept calls from said calling party (see paragraphs [0035] & [0036]). McCann does not specifically teach wherein the step of performing terminating screening

Art Unit: 2617

comprises determining in said SMS center for serving said called party whether said called party allows calls having characteristics of said call to be completed to said called party; and responsive to determining that said called party does not allow calls having characteristics of said call to be completed, adding said calling party to a list of calling parties from which said called party is not willing to accept SMS calls. Lu teaches determining in device for serving a called party whether said called party allows calls having characteristics of said call to be completed to said called party (see paragraph [0022]; and responsive to determining that said called party does not allow calls having characteristics of said call to be completed, adding said calling party to a list of calling parties from which said called party is not willing to accept message calls (see paragraph [0023]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device in McCann adapt to include wherein the step of performing terminating screening comprises determining in said SMS center for serving said called party whether said called party allows calls having characteristics of said call to be completed to said called party; and responsive to determining that said called party does not allow calls having characteristics of said call to be completed, adding said calling party to a list of calling parties from which said called party is not willing to accept SMS calls because the device in McCann is capable of retrieving or looking up information regarding the called party during a terminating screening process (see McCann, paragraph [0035]) and providing terminating screening as taught in Lu would make McCann's prepaid SMS screening service more efficient.

Art Unit: 2617

Regarding claim 6 Zhang teaches testing whether the destination number of the called party is in a list of numbers to which the calling party may not complete calls (see col. 3, lines 15-32).

Regarding claim 7 McCann teaches testing whether the calling party may originate a service type of the call (see paragraph [0012], prepaid and postpaid service relates to service type).

Regarding claim 9 McCann and Lu teach a device as recited in claim 7 and is rejected given the same reasoning as above.

Regarding claim 10 Zhang teaches testing whether a content classification of the call is one in which the called party is willing to accept (see col. 3, lines 15-32).

Regarding claim 13 McCann in a Short Message Service (SMS) center an apparatus for screening an SMS (see paragraph [0012]). McCann teaches in an SMS center for serving a calling party of said call, responsive to receipt of an SMS call, for performing originating screening using data supplied by said calling party, for determining whether said calling party may attempt to complete a call to a called party of said call (see paragraph [0012]). McCann teaches in a SMS center for serving a called party of the call, means, responsive to determining that the calling party may attempt to complete said call, for performing terminating screening using data supplied by said called party, for determining whether said called party of said call can accept calls from said calling party (see paragraphs [0035] & [0036]). McCann does not specifically teach performing terminating screening comprising means for determining whether said called party allows calls having characteristics of said call to be completed to said called party; said SMS center for serving said called party of said call comprising a list of calling

Art Unit: 2617

parties from which said called party is not willing to accept calls; said means for performing terminating screening comprising means responsive to determining that said called party does not allow calls having characteristics of said call to be completed, for adding said calling party to said list of calling parties from which said called party is not willing to accept SMS calls. Lu teaches performing terminating screening comprising means for determining whether said called party allows calls having characteristics of said call to be completed to said called party (see paragraph [0022]; a device for serving said called party of said call comprising a list of calling parties from which said called party is not willing to accept calls; said means for performing terminating screening comprising means responsive to determining that said called party does not allow calls having characteristics of said call to be completed, for adding said calling party to said list of calling parties from which said called party is not willing to accept message calls (see paragraph [0023])).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device in McCann adapt to include performing terminating screening comprising means for determining whether said called party allows calls having characteristics of said call to be completed to said called party; said SMS center for serving said called party of said call comprising a list of calling parties from which said called party is not willing to accept calls; said means for performing terminating screening comprising means responsive to determining that said called party does not allow calls having characteristics of said call to be completed, for adding said calling party to said list of calling parties from which said called party is not willing to accept SMS calls because the device in McCann is capable of retrieving or looking up information regarding the called party during a terminating screening process (see

Art Unit: 2617

McCann, paragraph [0035]) and providing terminating screening as taught in Lu would make McCann's prepaid SMS screening service more efficient.

Regarding claim 22 McCann and Lu teach a device as recited in claim 1 except for the called party having an option to prevent the adding of the calling party to the list. Lu does teach adding a sender to a list of approved or blocked senders and an approval process that is performed by entering a command or pressing a key (see paragraph [0023]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include the called party having an option to prevent the adding of the calling party to the list because the approval process in Lu can be modified to prevent the adding of calling party to the list and it would allow for greater flexibility in the screening and approval process.

Regarding claim 23 McCann and Lu teach a device as recited in claim 22 and is rejected given the same reasoning as above.

III. Claims 2-3 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCann (US 2003/0091170 A1) in view of Lu (US 2002/0207950 A1) and Cast et al. (US 6,975,876 B1).

Regarding claim 2 McCann and Lu teach a device as recited in claim 1 except for determining the number of destinations which the calling party is attempting to reach; and rejecting the call if the number exceeds a limit defined by a class of service of the calling party. Cast teaches determining the number of destinations which the calling party is attempting to reach; and rejecting the call if the number exceeds a limit defined by a class of service of the calling party (see abstract, col. 40, lines 52-61 and col. 42, lines 3-6). It would have been

Art Unit: 2617

obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include determining the number of destinations which the calling party is attempting to reach; and rejecting the call if the number exceeds a limit defined by a class of service of the calling party because this would allow for an improved method of screening SMS messages in accordance with user preferences.

Regarding claim 3 McCann, Lu, and Cast teach a device as recited in claim 2 and is rejected given the same reasoning as above.

Regarding claim 14 McCann, Lu, and Cast teach a device as recited in claim 2 and is rejected given the same reasoning as above.

Regarding claim 15 McCann, Lu, and Cast teach a device as recited in claim 2 and is rejected given the same reasoning as above.

IV. Claims 4-5 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCann (US 2003/0091170 A1) in view of Lu (US 2002/0207950 A1) and Molnar et al. (US 2002/0168978 A1).

Regarding claim 4 McCann and Lu teach a device as recited in claim 1 except for testing for geographic allowability of a call to the called party in accordance with a class of service of the calling party. Molnar teaches testing for geographic allowability of a call to the called party in accordance with a class of service of the calling party (see paragraphs [0034] & [0035]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include testing for geographic allowability of a call to the called party

Art Unit: 2617

in accordance with a class of service of the calling party because this would allow for an improved method of screening SMS messages in accordance with user preferences.

Regarding claim 5 McCann and Lu teach a device as recited in claim 1 except for testing whether the calling party may complete SMS calls to a roamer; and if the calling party may not complete SMS calls to a roamer, determining whether the called party is a roamer and blocking the call if the called party is a roamer. Molnar teaches testing whether the calling party may complete SMS calls to a roamer (see paragraph [0032]). Molnar teaches and if the calling party may not complete SMS calls to a roamer, determining whether the called party is a roamer and blocking the call if the called party is a roamer (see paragraphs [0032], [0034] & [0035]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include testing whether the calling party may complete SMS calls to a roamer; and if the calling party may not complete SMS calls to a roamer, determining whether the called party is a roamer and blocking the call if the called party is a roamer because this would allow for an improved method of screening SMS messages in accordance with user preferences.

Regarding claim 16 McCann, Lu, and Molnar teach a device as recited in claim 4 and is rejected given the same reasoning as above.

Regarding claim 17 McCann, Lu, and Molnar teach a device as recited in claim 5 and is rejected given the same reasoning as above.

Art Unit: 2617

V. Claims 8 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCann (US 2003/0091170 A1) in view of Lu (US 2002/0207950 A1) and Allison et al. (US 6,819,932 B2).

Regarding claim 8 McCann and Lu teach a device as recited in claim 1 except for testing whether the keyword, subject, title, or URL of a web page of the SMS call is on a list of call types which the called party does not wish to receive. Allison teaches testing whether the keyword, subject, title, or URL of a web page of the SMS call is on a list of call types which the called party does not wish to receive (see abstract, col. 8, lines 45-67 and col. 9, lines 1-10). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include testing whether the keyword, subject, title, or URL of a web page of the SMS call is on a list of call types which the called party does not wish to receive because this would allow for an improved method of screening SMS messages in accordance with user preferences.

Regarding claim 18 McCann, Lu, and Allison teach a device as recited in claim 8 and is rejected given the same reasoning as above.

VI. Claims 11 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCann (US 2003/0091170 A1) in view of Lu (US 2002/0207950 A1) and Kim et al. (US 2005/0020289 A1).

Regarding claim 11 McCann and Lu teach a device as recited in claim 1 except for determining whether the call identifies a merchant from which the called party does not wish to receive SMS calls. Kim teaches allowing a user to register an unsolicited phone number or word

Art Unit: 2617

that would be used to determine which messages would be deleted (see paragraph [0025]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include determining whether the call identifies a merchant from which the called party does not wish to receive SMS calls because this would allow for an improved method of screening SMS messages in accordance with user preferences.

Regarding claim 19 McCann, Lu, and Kim teach a device as recited in claim 11 and is rejected given the same reasoning as above.

Regarding claim 20 McCann and Lu teach a device as recited in claim 13 except for testing whether a language of the call is one in which the called party is willing to receive. Kim teaches allowing a user to register words that would be used to determine which messages would be blocked or accepted (see paragraphs [0019] & [0025]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include testing whether a language of the call is one in which the called party is willing to accept because this would allow for an improved method of screening SMS messages in accordance with user preferences.

Response to Arguments

VII. Applicant's arguments with respect to claims 1, 6-7, 9-10, 13, and 22-23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

VIII. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDON J. MILLER whose telephone number is (571)272-7869. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on 571-272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/George Eng/
Supervisory Patent Examiner, Art Unit 2617

/Brandon J Miller/
Examiner, Art Unit 2617

July 28, 2009